

REMARKS/ARGUMENTS

Applicant thanks Examiner for the detailed Office Action dated March 28, 2006. In response to the issues raised, the Applicant offers the following submissions and amendments. We also enclose a Terminal Disclaimer linking the term and ownership of any patent granted on the present application to that of co-pending application USSN 10/773,185.

Amendments

The Applicant has updated Page 1 of the specification with a corrected paragraph pertaining to cross references to related applications.

The Abstract has been amended to remove 'claim-like' language.

The claims have been amended to highlight the features distinguishing the present invention from the prior art. In particular, claims 1, 19 and 38 have been amended to incorporate the features of dependent claims 3, 4, 21, 22, 23, 39, 41 or 42, now cancelled.

Accordingly, the amendments do not add any new matter.

Abstract

As discussed above, we submit that the amended Abstract complies with MPEP §608.01(b).

Non-Statutory Double Patenting

We trust the enclosed Terminal Disclaimer addresses this issue.

35 USC §103 - Obviousness

Independent claims 1, 19 and 38 have been amended to incorporate the features of dependent claims 3, 4, 21, 22, 23, 39, 41 and 42. Claims 4 and 22 stand rejected as obvious in light of US 4,797,692 to Ims in view of US 5,841,452 to Silverbrook and US 4,914,562 to Abe et al. Claim 42 stands rejected in light of US 4,797,692 to Ims in view of US 5,841,452 to Silverbrook, US 4,549,191 to Fukuchi et al and US 4,914,562 to Abe et al.

Amended claims 1, 19 and 38 define the heater element to have a double omega shape so that the gap between the electrodes is repeated, and balanced, by a diametrically opposed second gap. As explained in the description (see page 2, lines 16-22) this provides a substantially symmetrical bubble so that the trajectory of the ejected droplet is more likely to align with the axis of the nozzle aperture.

The heater element shown in Fig 17(b) of Abe is not configured to generate a substantially symmetrical bubble. The electrodes 359 are not positioned adjacent each other, and so do not define a gap. Instead, they are on opposing sides of the chamber. The heater element 184 defines a gap at the start of a return loop. However, there is no diametrically opposed gap in the element.

It is well established that the cited references must disclose all the claim elements in order to support a prima facie case of obviousness. Accordingly, the above citations do not support a §103 rejection. It follows that the dependent claims are likewise novel and inventive.

It is respectfully submitted that the Examiner's rejections have been successfully traversed and the application is now in condition for allowance. Accordingly, favorable reconsideration of the application is courteously solicited.

Very respectfully,
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